

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

A.W.,

Case No. 8:19-cv-342

Plaintiff,

v.

**MOTION TO DISMISS AMENDED
COMPLAINT**

NEBRASKA MEDICAL CENTER, a
Nebraska non-profit corporation, and
MARK DIETRICH, M.D.,

Defendants.

Defendant, Nebraska Medical Center ("NMC"), pursuant to Fed. R. Civ. P. 12(b)(6), moves the Court for an order dismissing the Complaint for failure to state a claim upon which relief can be granted. Plaintiff's claim for punitive damages, and her claim that NMC is vicariously liable for the alleged intentionally tortious conduct of Mark Dietrich, M.D., should be dismissed as a matter of law.

Dated this 26th day of September, 2019.

NEBRASKA MEDICAL CENTER, a Nebraska
non-profit corporation, Defendant.

By: s/Steven D. Davidson
Steven D. Davidson (#18684)
of: BAIRD HOLM LLP
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Omaha, Nebraska 68102
(402) 344-0500
Its Attorneys

CERTIFICATE OF SERVICE

I hereby certify that on September 26, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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s/Steven D. Davidson

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